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June 9, 2022

VIA ECF & EMAIL (FigueredoNYSDChambers@nysd.uscourts.gov)

The Honorable Valerie Figueredo, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 2230
New York, New York 10007

Re: Penske Media Corp. v. Shutterstock, Inc., Case No. 20 Civ. 04583 (MKV) (VF) (S.D.N.Y.)

Dear Judge Figueredo:

Pursuant to Your Honor's Order dated May 20, 2022 (Dkt. No. 132), Plaintiff-Counterclaim Defendant Penske Media Corp. ("PMC") and Defendant-Counterclaim Plaintiff Shutterstock, Inc. ("Shutterstock") jointly submit this letter and accompanying materials regarding the Requests for Production of Documents ("RFP") identified in the parties' December 30, 2021 joint letter (Dkt. No. 94) that are still in dispute, including, in particular, RFP 4-6, 10-12, 14-16, 17, 19-20, 48, 55-61, 63-64, 76, 78-79, 94, 96, 98-99, 104-105, as well as the request for text and instant messages.

In accordance with the Order, the parties submit the following materials concurrently herewith:

Exhibit 1: A chart providing the following information for each disputed RFP: (1) the text of Shutterstock's RFP; (2) PMC's description of the documents, if any, that PMC has produced; (3) a brief statement by Shutterstock explaining what it perceives to be the deficiency in PMC's document production; and (4) a brief statement by PMC responding to Shutterstock's claimed deficiency.

Exhibit 2: PMC's Responses and Objections to Shutterstock's First Set of Requests for Production, including disputed RFP 4-6, 10-12, 14-16, 17, 19-20, 48.

Exhibit 3: PMC's Responses and Objections to Shutterstock's Third Set of Requests for Production, including disputed RFP 55-61, 63-64, 76, 78-79.

Exhibit 4: PMC's Responses and Objections to Shutterstock's Fourth Set of Requests for Production, including disputed RFP 90.

Exhibit 5: PMC's Responses and Objections to Shutterstock's Fifth Set of Requests for Production, including disputed RFP 94, 96, 98-99, 104-105.

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Exhibit 6: The transcript pages from the deposition of Lauren Utecht where she was asked about using text messages, instant messaging, WhatsApp, and/or Slack and her job history at PMC.

Exhibit 7: The transcript pages from the deposition of Jay Penske where he was asked about using text messages, instant messaging, WhatsApp, and/or Slack.

Exhibit 8: The relevant portions of the transcript of the deposition of Shutterstock's CEO, Stan Pavlovsky.

Request to file under seal. We request leave to file the transcript of Stan Pavlovsky (Exhibit 8) under seal pursuant to this Court's Individual Rule 1(g). The parties seek this relief because Shutterstock designated the transcript "Attorneys' Eyes Only" under the Stipulated Protective Order, dated July 12, 2021 (Dkt. 72). It is Shutterstock's position that the relevant portions contain confidential information, including information pertaining to internal business operations and certain financial terms related to the parties' Agreement at issue.

* * *

We thank the Court for its time and attention to this matter.

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